

**REMARKS**

Claims 1-50 are pending in the present application. Claims 25-50 have been added as a result of this response. Claims 1, 19, 25, and 44 are independent.

Claims 1-24 have been rejected under either 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a) in view of U.S. Patent 6,253,188 to Witek et al. and "NEXPO '97, Part II: Editorial and Advertising Systems, Other Products. This rejection, insofar as it pertains to the present application, is respectfully traversed for the following reasons.

**PERSONAL INTERVIEW CONDUCTED ON FEBRUARY 20, 2003**

Initially, Applicants representative would like to thank Examiner Champagne for taking the time to conduct a personal interview with Applicants representative on February 20, 2003. Applicants believe that this personal interview was very beneficial. Based on the discussion at the personal interview with respect to the two illustrations shown by Applicant at the personal interview, Applicants believe that they can demonstrate why claims 1-24 of the present application are distinguishable over the combination of NEXPO '97 and Witek, and also show that newly added claims 25-50 are also patentable over this combination.

Arguments supporting non-obviousness of proposed amended Claims 1 to 24 (25 to 50) of P22053US01 (US appln. no. 09/482, 462).

Examiner asserts in his latest response that Witek et al. teaches:

a system and method for advertisement sales and management, the system (Fig. 1) comprising:

- (a) storage and database means (20);

- (b) retrieval means (14);
- (c) processing means (16, 26);
- (d) a number of workstations (22), one or more being adapted to entering advertisement orders (column 5, lines 28-31),

the database and processing means being adapted to store and manage data relating to an advertising customer (user), order, medium or media, schedule, contents and presentation elements (column 5, lines 28-31; column 56, lines 8-10; column 48, line 14; column 46 lines 7-9; column 42, lines 10-16), defining the advertisement on the basis of entered order data (column 8, lines 60-61); the system and method thereby supporting entry, sales and management of advertisements in several media (column 56, lines 8-10) based on entry of a single advertising order.

Examiner asserts that Witek does **not** teach "... entry, sale and management of several **related** advertisements based on entry of a single advertisement order."

However, Examiner asserts that Nexpo'97 teaches reusing content (pp. 27 to 40 of first full paragraph) which relates to entry, sale and management of several related advertisements based on entry of a single advertisement order. Applicant submits that the Examiner is incorrect because he is quoting at random from Nexpo'97 from a section that does not map onto the Witek et al. system. Applicant submits that QPS on pp. 26 to 27 of Nexpo'97 is concerned with accessing multiple publications at the same time, rather than outputting to multiple publications. Nexpo'97 with regard to QPS is silent regarding multiple media, but only refers to multiple publications.

Applicant submits that Witek column 5, lines 28-31 concerns use of different media within an advertisement (for example a video clip) rather than an advertisement or a group of advertisement co-ordinated in several media. Moreover, Applicant submits Witek column 56, lines 8-10 refers to " ... newspaper print classified or in the online service"; there is no explicit mention here in the text identified by the Examiner of the advertisement appearing in several unrelated media.

Applicant submits that Witek column 48, line 14 concerns a publication date: as all advertisements have a publication date, the Examiner is merely stating what is already known generally in quoting this section of Witek.

Applicant submits that Witek et al. is primarily concerned with classified advertisements for newspapers (single medium). (However, Witek does in one sentence site both Internet and newspapers). **This corresponds to a one advert to one or more media situation.** In contradistinction, Applicant is concerned with at least one group of related advertisements mapping via a system onto a plurality of media.

Applicant submits that Witek column 46, lines 7-9 concerns retrieval of advertisement information.

Applicant submits that Witek column 42, lines 10-16 concerns presentation of information back to the user.

Thus, Applicant submits that a combination of Witek and Nexpo'97 does not disclose a system capable of managing publication of **a group of related advertisements in several unrelated media**. In fact, Applicant submits that Nexpo'97 does not disclose additional subject matter outside that disclosed by Witek; Witek already discloses access of multiple publications (column 6, line 2). A combination of Witek and Nexpo'97 would merely result in the system disclosed in Witek being able to access multiple publications in a single medium for searching purposes, not publication purposes. Thus, the combination of Witek and Nexpo'97 does not yield Applicant's invention claimed in amended Claim 1.

Witek nor Nexpo'97 appreciate the problem of managing and co-ordinating the publishing of one or more groups of related advertisement in several media such as Internet, TV and print newspapers. It is submitted that one ordinarily skilled in the art would tend to specialize in particular media as formatting and production methods for typesetting newspaper print providing static/still information is very different to animated images as used on TV and in the Internet. Moreover, it is submitted that one ordinarily skilled in the art would not appreciate that reuse of information pertaining to a group of related advertisements over a plurality of mutually different media would provide synergistic benefits. Thus, Applicant submits that it would not be obvious for one ordinarily skilled in the art to attempt to combine data use over several unrelated media. Following established US case law *Monarch Knitting Machinery Corp. vs. Sulzer Morat GmbH*, 139 F. 3d 877, 45 U.S.P.Q. 2d 1977 (Fed. Cir. 1998), an argument that several references in the prior art demonstrate a trend from which obviousness can be inferred is not appropriate unless motivation can be found somewhere to

combine the references; neither Witek nor Nexp'97 disclose such motivation nor does their combination yield the invention claimed in amended Claim 1, this claim being concerned with, amongst other things, a plurality of different media and a group of related advertisements originating from a single order.

The Examiner argues that the motivation to combine Witek and Nexpo'97 is "... the economic incentive to reduce costs and expand sales". Such a motive pertains potentially to all businesses, not just to Claim 1. Because Internet advertising is potentially cheaper than print advertising with regard to the cost of access for customers, a publisher would arguably not wish to expand sales away from newsprint to Internet because this would erode a publisher's existing market and potentially thereby reduce overall sales revenue. Efficiency advantage does not result in increased sales for a market where demand is a limiting factor rather than publishing/manufacturing capacity; the Examiner has therefore no logical basis for asserting that "easier production of multiple publications", from an understanding of elementary economics, would result in an efficiency advantage that would result in greater sales. History has demonstrated that, where a market is subject to excess supply capacity, namely excess publication capacity in this case, associated commodity prices fall with a result that many suppliers become bankrupt (for example in automotive, coal and steel industries, aircraft manufacturing companies and aircraft carriers). Thus, the assertion that "... a potential customer buys more advertisements potentially results in more sales ..." is not sustainable as an argument if a customer selects an alternative medium which is relatively cheaper rather than concentrating on a conventional more expensive medium and buys the same amount of total advertisement insertions. Potential loss of sales would lead away from providing an

easy solution allowing easy publication access and management for a group of related advertisements in a plurality of mutually different media.

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An example may assist to distinguish Witek from Applicant's invention:

In Witek, an individual user (for example) has an automobile that he/she wishes to sell second hand. The user enters the data relating to the automobile into the Witek system specifying when (which dates) the advertisement for the automobile should appear in particular media (for example in a local newspaper and/or on the Internet).

In Applicant's (CCI) system, a professional user such as a perfume manufacturer has a range of products that it wishes to sell, for example soaps, perfume, shaving lotion, makeup and toothbrushes. Each of these items is capable of giving rise to a product advertisement associated therewith; for example, the perfume can have a 1/4 page product advertisement insert associated therewith. The user wants to advertise the products in several media, for example in a national newspaper where most emphasis should be on perfume, on television commercials (advertisements) where most emphasis should be on shaving lotion, and via the Internet where most emphasis should be on toothbrushes. The choice of emphasis may, for example, be based on the type of people who access the different types of media and the technical capabilities of the different media. In each of these media, the professional user wants a different combination of the individual product advertisements presented together as

a compilation. The compilation for the newspaper will be different from the television commercial for example on account of the mutually different characteristics of the media. Applicant's system is capable of receiving data relating to the individual product advertisements and presenting them in several different media in different combinations, all controlled through one order (for example for invoicing convenience).

In contradistinction to Applicant's system, if a user were to use the Witek system to cope with the soaps, perfume, shaving lotion, makeup and toothbrushes, he/she would have to enter a different advertisement combination (manually) for each of the different media which would be a laborious process. Moreover, as the user is invoiced in Witek for each order the user enters, the user would then have the problem of dealing with multiple order invoices which would also be highly laborious. Applicant's invention appreciates this problem of laborious work and therefore provides a working environment where the user can handle these complex multiple transactions under one order invoice.

### **Conclusion**

Accordingly, in view of the above amendments and remarks, an early indication of the allowability of each of claims 1-50 in connection with the present application is earnestly solicited.

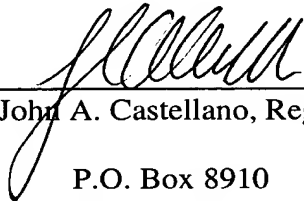
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C

By: \_\_\_\_\_

  
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